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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/764,974

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Hnas-Jurgen Schaschke

PSB 2000/01 (8463*1)

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EXAMINER

JIMENEZ, MARC QUEMUEL

ART UNIT

PAPER NUMBER

3726

DATE MAILED: 03/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

Office Action Summary

Application No.

09/764,974

Applicant(s)

SCHASCHKE, HNAS-JURGEN

Examiner

Marc Jimenez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-30 is/are pending in the application.
- 4a) Of the above claim(s) 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Newly submitted claim 30 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 30 is directed to an offset printing machine which is an invention that was not previously examined. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 30 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Informality

2. It is suggested that "said concentric layers" in claim 24, line 3 be changed to - - said one or more concentric layers - - to be consistent with lines 1-2 of claim 24. There is no rejection or objection to the claims based on this informality.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. **Claims 19-29** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites "the roller" in line 1 which lacks proper antecedent basis.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 19-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Arlid et al. (3,898,929) in view of Meltz (3,345,942).

Arlid et al. teach a method of using a roller (fig. 2) comprising a roller core 11 and a roller covering 12 being composed of an elastomer or elastic plastic material (col. 3, lines 13-18) comprising the step of running the roller (fig. 2) in a dampening system (fig. 3, col. 4, lines 3-10) of an offset printing machine (col. 1, lines 25-30).

Arlid et al. teach the invention cited with the exception of the elastomer or elastic plastic material containing fluorinated polyolefin.

Meltz teaches a roller with a roller covering 14 composed of an elastomer or elastic plastic material containing fluorinated polyolefin (col. 3, lines 48-61). Note that "polytetrafluoroethylene" or "PTFE" is a fluorinated polyolefin as described in applicant's

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specification at page 5, first paragraph, as also described in other U.S. patents such as US 5981656 or 6180702 (see the excerpts taken from these respective patents attached at the end of this office action), and as claimed in applicant's claim 21.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Arlid et al. with the elastomer or elastic plastic material containing fluorinated polyolefin, in light of the teachings of Meltz, in order to provide a surface that can be easily ground if damaged, will provide a smooth surface with the desired release properties, and to provide a roller that is easier to clean as suggested by Meltz at col. 5, lines 2-8 and lines 21-25.

Note that the polytetrafluoroethylene taught by Meltz is also a fluorocarbon plastic (see applicant's specification at page 5, lines 4-5, the elastomer or plastic material comprises from 0.5 to 25% by weight of the fluorinated polyolefin (see "Example 1" in col. 3-4), the fluorinated polyolefin forms a surface layer (col. 5, lines 4-5), and the fluorinated polyolefin is applied as a powder (col. 5, lines 21-22)..

Note that both Arlid et al. and Meltz teach rubber layers as claimed in claim 25.

Meltz teaches rubbers made from those in claims 26-27 (see col. 4, lines 36-43 and Example 1).

With respect to claims 28 and 29, Arlid et al./Meltz teach the invention cited with the exception of using thermoplastic elastomer or castable polyurethane as the elastomer or elastic plastic material.

At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have used thermoplastic elastomer or castable polyurethane

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because applicant has not disclosed that using thermoplastic elastomer or castable polyurethane provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with either the elastomer or elastic plastic material taught by Meltz or the claimed elastomer or elastic plastic material because either elastomer or elastic plastic material perform the same function of providing a fluorinated polyolefin layer equally as well. Therefore, it would have been an obvious matter of design choice to modify Arlid et al./Meltz to obtain the invention as specified in claims 28-29.

Response to Arguments

7. Applicant's arguments with respect to **Claims 19-29** have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

8. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer

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Service at (703) 306-5648, or fax (703) 872-9301 or by email to

CustomerService3700@uspto.gov.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is **703-306-5965**. The examiner can normally be reached on **Monday-Friday, between 5:30 am- 2:00 pm.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.


Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 308-6789 or (888) 786-0101
Assignment Branch	(703) 308-9723
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
Petitions/Special Programs	(703) 305-9285
Terminal Disclaimers	(703) 305-8408
PCT Help Desk	(703) 305-3257

If the information desired is not provided above, or a number has been changed, please call the general information help line below.

Information Help line	1-800-786-9199
Internet PTO-Home Page	http://www.uspto.gov/


MJ
March 3, 2003


GREGORY VIDOVICH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700